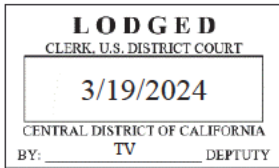


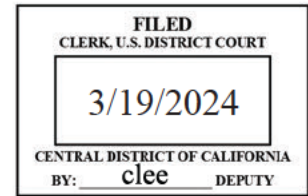
\AO 91 (Rev. 11/11) Criminal Complaint (Rev. by USAO on 3/12/20)

☐ Original ☐ Duplicate Original

UNITED STATES DISTRICT COURT

for the

Central District of California



United States of America

v.

RODOLFO HERNANDEZ JR.

Defendant

Case No. 2:24-mj-01580

**CRIMINAL COMPLAINT BY TELEPHONE
OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of February 28, 2024, in the county of Ventura in the Central District of California, the defendant violated:

Code Section

18 U.S.C. § 922(g)(1)

*Offense Description*Felon in Possession of a Firearm and
Ammunition

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

/s/ Dominic Ambrosio

Complainant's signature

Dominic Ambrosio, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 b, telephone.

Date: March 19, 2024

City and state: Los Angeles, California

AUSA: Joseph De Leon x7280

Judge's signature

U.S. Magistrate Judge Steve Kim

Printed name and title



AFFIDAVIT

I, Dominic Ambrosio, being duly sworn, declare and state as follows:

PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant against Rodolfo HERNANDEZ Jr. ("HERNANDEZ") for a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm and Ammunition.

2. The facts set forth in this affidavit are based upon my personal observations; my training and experience; and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

BACKGROUND OF FBI SPECIAL AGENT DOMINIC AMBROSIO

3. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed by the FBI since January 2017. I am currently assigned to the Los Angeles Field Office, Ventura Resident Agency. I attended the FBI Academy in Quantico, Virginia, where I received 20 weeks of training on investigating various federal violations. During my training, I gained experience in subject and witness interviews,

confidential human source operations, financial investigations, and investigating criminal enterprises.

4. Before becoming a Special Agent with the FBI, I graduated from Georgetown University, with a Bachelor of Arts in American Studies, with a Political Science focus. I worked as a business management consultant based in Arlington, Virginia, for over 12 years, advising Fortune 500 clients on business strategy in procurement, sales, and marketing.

5. While employed by the FBI, I previously worked for several years assigned to the Orange County Joint Terrorism Task Force investigating matters of national security to include complex cases involving technical and financial activities by actors in support of foreign adversaries of the United States, as well as investigations related to threats by actors within the United States.

6. I am currently assigned to the Ventura County Violent Gang Task Force which investigates violent criminal conduct related to firearms, narcotics, and violence in furtherance of criminal street gangs for Ventura County, California area of responsibility. In my current assignment, I work extensively with local partners from the Ventura County Sheriff's Office and multiple local police departments, including the Oxnard and Ventura Police Departments.

SUMMARY OF PROBABLE CAUSE

7. On February 27, 2024, Oxnard Police Department ("OPD") detectives obtained a State of California arrest warrant for

HERNANDEZ, who was a suspect in a robbery, in violation of California Penal Code Section 211. OPD officers confirmed that HERNANDEZ had active search terms for weapons and narcotics and that he was a convicted felon.

8. On February 28, 2024, OPD law enforcement surveillance officers identified HERNANDEZ loading items into a white U-Haul pickup truck, get into the U-Haul driver's seat, and drive away with a female passenger. OPD officers conducted a felony traffic stop of the U-Haul while it was parked in an alley and ordered HERNANDEZ, who was in the driver's seat, out of the U-Haul. OPD officers recovered a Smith & Wesson, Model 36, .38 S&W Special revolver loaded with five rounds of ammunition, from under the driver's seat of the U-Haul where HERNANDEZ had been seated. They also found a Mac-11 machine gun, a rifle magazine, and suspected methamphetamine in a bag behind the passenger seat, and additional ammunition in HERNANDEZ's pockets.

9. HERNANDEZ's criminal history documents confirm that HERNANDEZ has multiple prior felony convictions, including convictions for assault with a deadly weapon with force possible to cause great bodily injury, felon in possession of a firearm, and possession of a controlled substance while armed.

STATEMENT OF PROBABLE CAUSE

10. Based on my review of law enforcement reports, conversations with other law enforcement agents, law enforcement body-camera footage, and my own knowledge of the investigation, I am aware of the following:

A. HERNANDEZ is arrested with firearms, ammunition, and suspected methamphetamine.

11. On February 27, 2024, members of the OPD Violent Crime Unit ("VCU") were investigating a felony robbery in violation of California Penal Code Section 211, in which HERNANDEZ was a suspect. According to an OPD police report, OPD detectives confirmed that HERNANDEZ was on Postrelease Community Supervision and had several search terms for weapons and narcotics, and that HERNANDEZ was a convicted felon and unable to legally possess firearms. An OPD detective obtained a State of California arrest warrant for HERNANDEZ.

12. According to an OPD police report, on February 28, 2024, OPD VCU and Special Enforcement Unit ("SEU") members were conducting surveillance for HERNANDEZ. At approximately 11:30 a.m., an OPD detective positively identified HERNANDEZ loading items into a white U-Haul pickup truck with Arizona license plate AM18583 (the "U-Haul"). OPD detectives maintained surveillance and saw HERNANDEZ get into the driver's seat of the U-Haul and drive away with a female passenger.

13. Also according to the OPD police report, shortly after 12:00 p.m., OPD officers conducted a felony traffic stop (based on the outstanding felony arrest warrant for HERNANDEZ) of the U-Haul while it was parked in the east alley of K Street, Oxnard, California, by turning on their red-and-blue forward-facing lights. As an OPD officer stepped out of his vehicle, he saw HERNANDEZ (who he could see through the clear rear window of

the U-Haul) in the driver seat reach behind the front passenger seat and appear to place a black bag down. Both HERNANDEZ and the female passenger were removed from the U-Haul and detained.

14. The OPD police report states that, during a subsequent search of HERNANDEZ, OPD officers found several items in HERNANDEZ's pockets, including the following:

- a. A clear Ziploc bag with nine unspent .38 Special rounds of ammunition;
- b. One spent round of ammunition casing for a .38 Special firearm;
- c. A dark blue cell phone;
- d. One small clear Ziploc bag containing a white substance; and
- e. Two hypodermic needles.

15. According to the OPD police report, OPD detectives also searched the U-Haul and found, among other things, the following:

- a. A Smith & Wesson, Model 36, .38 caliber S&W Special revolver bearing serial number J270241, loaded with five rounds of .38 caliber S&W Special ammunition, from under the driver's seat of the U-Haul where HERNANDEZ had been seated;
- b. One unloaded Mac-11 machine gun from the bag behind the front passenger seat that the OPD officer had earlier seen HERNANDEZ handle through the rear window of the U-Haul;
- c. A "NVS" rifle magazine, nineteen .30 caliber "RP" rounds of ammunition, and one .38 special "RP" round of

ammunition located in the same bag behind the front passenger seat; and

d. Approximately 98.2 grams of a crystal-like substance suspected to be methamphetamine and a scale located in the same bag behind the front passenger seat.

B. HERNANDEZ's Criminal History

16. On March 1, 2024, I obtained and reviewed criminal history documents for HERNANDEZ and learned that HERNANDEZ has previously been convicted of numerous felony crimes punishable by a term of imprisonment exceeding one year including, but not limited to:

a. Assault with a deadly weapon with force possible to cause great bodily injury, in violation of California Penal Code Section 245(a)(4), in the Superior Court for the State of California, Ventura County, Case Number 2015037346, on or about July 7, 2016;

b. Felon in possession of firearm, in violation of California Penal Code Section 29800(a), in the Superior Court for the State of California, Ventura County, Case Number 2017029269, on or about October 10, 2018;

c. Possession of a controlled substance while armed, in violation of California Health and Safety Code Section 11370.1(a), in the Superior Court for the State of California, Ventura County, Case Number 20200018253, on or about March 19, 2021;

d. Prohibited person in possession of ammunition, in violation of California Penal Code Section 30305(a), in the Superior Court for the State of California, Ventura County, Case Number 2021032118, on or about December 7, 2022; and

e. Possession of a controlled substance while armed, in violation of California Health and Safety Code Section 11370.1(a), in the Superior Court of California, Ventura County, Case Number 2022003824, on or about December 7, 2022.

C. Interstate Nexus

17. Based on my conversations with other law enforcement agents, I know that on March 18, 2024, an ATF Interstate Nexus Expert reviewed photographs of the Smith & Wesson Model 36, .38 caliber S&W Special revolver bearing serial number J270241, and the five rounds of .38 caliber S&W Special ammunition recovered from under the driver's seat of the U-Haul where HERNANDEZ had been seated. Specifically, the ATF Interstate Nexus Expert's analysis confirmed the firearm and the ammunition were manufactured outside of the State of California. Because this firearm and ammunition were recovered in California, there is probable cause to believe that the firearm and ammunition moved in and affected interstate commerce.

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CONCLUSION

18. For all of the reasons described above, there is probable cause to believe that HERNANDEZ has committed a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm and Ammunition.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 19th day of March, 2024.



HONORABLE STEVE KIM
UNITED STATES MAGISTRATE JUDGE

/s/

Dominic Ambrosio
FBI Special Agent